



October 10, 2006

Mr. Gary Taylor  
Town Administrator  
Town of Selbyville  
68 West Church Street  
Selbyville, DE 19975

RE: PLUS review – PLUS 2006-09-17; Town of Selbyville Comprehensive Plan  
Amendment

Dear Mr. Taylor:

Thank you for meeting with State agency planners on September 27, 2006 to discuss the proposed Town of Selbyville comprehensive plan amendment.

According to the information received, you are seeking to amend your comprehensive plan to enlarge your potential expansion area and specify the future land use of the proposed annexation area.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting.

The following are a complete list of comments received by State agencies:

**Office of State Planning Coordination – Contact: Bryan Hall 739-3090**

The Office of State Planning and Coordination has no objections to the proposed comprehensive plan amendment for the Town of Selbyville and further appreciates the efforts the town has taken to complete this process. In addition, this office recognizes the community is beginning the update to their current comprehensive plan which is required

in 2007. This office encourages the community to consider the many comments provided by the agencies within this letter such as; improving zoning codes, continued investment for infrastructure to support the community, and expanding ordinances to support agricultural and environmental resources. Finally, our office looks forward to working with you to address the redevelopment of the comprehensive land use plan.

**Division of Historical and Cultural Affairs – Contact: Alice Guerrant 739-5685**

The Division of Historical and Cultural Affairs has no objection to the changes in annexation areas and land use. They ask the Town of Selbyville to include some consideration for historic properties in these areas, which could include both historic houses and archaeological sites. For instance, they could make their citizens aware of the state and federal tax incentives for rehabilitation and adaptive reuse of historic buildings and for preservation covenants on archaeological sites. They should definitely ensure that any developers in these areas are aware of the Delaware Unmarked Human Remains Act of 1987, and that any development in the town's jurisdiction has taken steps to locate and protect any unmarked or marked cemeteries.

When the Town's comprehensive plan is updated, they should consider a systematic approach to their historic properties, perhaps recommending a Main Street program, steps towards becoming a Certified Local Government, or other approaches, to protect the historic character and setting of their community. The DHCA will be happy to discuss the available programs and resources with the Town at any time.

**Department of Transportation – Contact: Bill Brockenbrough 760-2109**

While DelDOT does not necessarily object to what the Town seeks to do, they have some concerns about the way in which they are doing it.

In most jurisdictions, mixed-use developments are closely regulated through the zoning and subdivision codes to make sure that the permitted uses fit together in a mutually beneficial way. It is suggested that the plan amendment should also recommend that any necessary updates to the zoning and subdivision codes be completed soon. While DelDOT recommends that the Town retain a planning consultant with expertise in these matters to assist them in this regard they are willing to provide what technical assistance they can.

DelDOT also recommends that the Town consider redrawing, rather than eliminating, the line between the residential and mixed-use areas. One of most basic reasons for a comprehensive plan is to tell citizens what type of development to expect in a given

location. To go from a Plan that specifies where commercial uses would be permitted to a Plan that is not clear in that regard is not helpful.

**The Department of Natural Resources and Environmental Control – Contact:  
Kevin Coyle 739-9071**

The DNREC Water Supply Section has reviewed the Town of Selbyville Comprehensive Plan Amendment and determined that the maps Map 5-Future Land Use and Map 8-Area of Potential Expansion submitted for review, do not reflect the municipal boundaries as found in the State of Delaware GIS Database. The change in Map 5 does impact a wellhead protection area. Map 8 impacts a Ground Water Management area.

Maps 5 and 8 show discrepancies in the municipal boundaries. The attached map (Map 1) shows the State GIS Database overlay is shown in beige. The areas not shown on the maps submitted by Selbyville are shown with black lines hatched through the area. Water Supply suggests that the true boundaries be defined for Selbyville and updated in the Town's Comprehensive Plan and the State Database.

The change in Map 5-Future land Use does affect the Town of Selbyville Water wellhead protection area. The change from Commercial to Mixed Residential may allow the Town to limit impervious surfaces in the area. Map-5 also shows areas obviously out of the municipal boundaries as defined by the Map-5 and the State Database. These areas are color coded as Residential as though they are in the Town boundaries. We suggest showing these areas to reflect their classification as Area of Potential Expansion as shown on Map 8-Area of Potential Expansion.

Map 8-Area of Potential Expansion is a clearer presentation of intent than the map shown in The Town of Selbyville Comprehensive Plan: September 2002. Map 8 impacts the Ground Water Management Zone for Selbyville Sludge Application Field as shown on Map 2.

**Map 1.** Municipal boundaries as defined by the State of Delaware GIS Database are shaded in beige. Areas not included on Maps 5 and 8 as submitted by Selbyville are hatched in black. The wellhead protection area is in red. The area on Map 5 that changed from Commercial to Mixed Residential is hatched in yellow.



**Map 2.** The Groundwater Management Zone for the Selbyville Sludge Field is shown in orange.



**State Fire Marshal's Office – Contact: Duane Fox 856-5298**

These comments are intended for informational use only and do not constitute any type of approval from the Delaware State Fire Marshal's Office. The DE State Fire Marshal's Office has the responsibility to review all commercial and residential subdivisions for compliance with the DE State Fire Prevention Regulations. This Agency asks that a MOU be established between the DE State Fire Marshal's Office and the Town of Selbyville. The State Fire Marshal's Office would be issuing approvals much like DelDOT, Kent Conservation, and DNREC. This Agency's approvals are based on the DE State Fire Prevention Regulations only.

The DE State Fire Marshal's Office has no objection to the revisions to zoning on maps 5 & 8.

**Department of Agriculture - Contact: Scott Blaier 698-4500**

The Town of Selbyville's comprehensive plan amendment proposes annexing a large area of land. The Department of Agriculture strongly opposes the annexation amendment based on the following:

- 1). The Department does not feel the Town has presented enough justification and demonstrated their capacity (i.e. infrastructure) to support the entire annexation area at this time. The Department would like to see population projections and land consumption predictions based on those projections at standard urban densities of 3.5 dwelling units/acre and higher so it can adequately evaluate this annexation proposal.
- 2). The Department believes that comprehensive plan amendments should be limited in scope to accommodate specific projects or parcels through annexation. The Department believes any Town's plan to double, triple, etc. its incorporated area should be done when the Town updates its comprehensive plan.

As a general comment, the Department feels the Town needs to be proactive when it updates its comprehensive plan, and clearly define how it wants to grow, and what the Town's character should be. DDA does not feel the Town should simply be reactionary and annex nearby properties and projects "that will be developed anyway", without consideration as to how they will meet the expectations of the Town's comprehensive plan. The Town should not annex parcels whose development is in conflict or inconsistent with the Town's plan, or work with developers to modify their plans to meet the Town's goals before annexation.

Furthermore, the Town should consider population projections, infrastructure needs, etc. to ensure they can efficiently utilize and accommodate a large annexation area.

With regard to agriculture, the proposed annexation area will incorporate a number of parcels currently used for agriculture. In addition, it will move the Town's boundary over one mile north and immediately border on properties permanently preserved through the Delaware Agricultural Lands Preservation Program. This is of particular concern to the Department since nothing has been proposed with regard to agricultural land preservation, establishment of a "greenbelt" around the Town's expanded boundary, use of transfer of development rights (TDRs) or other preservation tools within the new Town boundary, etc. The Department would be glad to work with the Town on such initiatives as it moves forward with updating its comprehensive plan.

It is the Department's understanding that the Town is scheduled to update and submit its comprehensive plan in 2007. The DDA strongly urges the Town to use that opportunity to present its long-term growth and annexation plans.

**Public Service Commission - Contact: Andrea Maucher 739-4247**

Any expansion of natural gas or installation of a closed propane system must fall within Pipeline Safety guidelines. Contact: Malak Michael at (302) 739-4247.

**Department of Education – Contact: John Marinucci 739-4658**

1. The DOE supports the State Strategies for Policies and Spending, to the extent possible and practicable within the limits of the Federal and State mandates under which the Department operates.
2. In its review of Comprehensive Plans and Comprehensive Plan Amendments, the DOE considers:
  - Adequate civil infrastructure availability within the region to accommodate current and future educational facilities.
  - Transportation system connections and availability to support multimodal access within the community, to include but not limited to walk paths, bike paths, and safe pedestrian grade crossings.
  - Transportation road system adequacy to accommodate bus and delivery vehicle traffic to current, planned or potential educational facilities.
  - Recreation facilities and opportunities within the community and their respective proximity to current and planned or potential education facilities. The DOE also recognizes the potential that the educational facilities are to be considered recreational facilities by and within the community.

3. The DOE *typically* considers industrial/commercial development incompatible with educational facilities, however, residential development and educational facilities *are typically* considered to be compatible. As a result, the DOE is interested in the proximity of current and planned or potential education facilities to commercial/industrial development zones.
4. The DOE recognizes the integral role of educational facilities within communities. As such, the DOE seeks to assure that residential growth, that generates additional demand on educational facilities, is managed with adequate educational infrastructure being made a part of sub-division plans as appropriate.
5. The DOE has no comments or objections to the proposed plan amendment.

**Sussex County - Contact: Richard Kautz 855-7878**

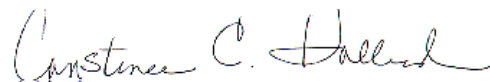
There should be an effort to clean up the town boundaries by eliminating enclaves and jurisdictional splitting of property. If the annexation of an enclave or an entire parcel is not an option, the town should require that all future subdivisions of parcels along jurisdictional lines make corporate and property lines coterminous. An annexation's basic information should be shared with the Sussex County office of Planning and Zoning upon its effect.

Upon certification of the Plan Amendment, we request that the town's consultants supply the County Mapping Office digital versions (shape files) of the maps included in the Plan.

**Following receipt of this letter the applicant shall provide to the Office of State Planning Coordination a written response to comments received as a result of the PLUS process, noting whether comments were incorporated into the project design or not and the reason therefore.**

Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,



Constance C. Holland, AICP  
Director

CC: Davis, Bowen & Friedel  
Sussex County